

## Farm Service Agency, USDA

## § 764.2

lender that is requesting the assignment.

(ii) The lender has not complied with the reimbursement requirements of § 762.144(c)(7), except when the 180 day reimbursement or liquidation requirement has been waived by the Agency.

(3) The lender will provide the Agency with copies of all appropriate forms used in the assignment.

(4) The guaranteed portion of the loan may not be assigned by the lender until the loan has been fully disbursed to the borrower.

(5) The lender is not permitted to assign any amount of the guaranteed or unguaranteed portion of the loan to the loan applicant or borrower, or members of their immediate families, their officers, directors, stockholders, other owners, or any parent, subsidiary, or affiliate.

(6) Upon the lender's assignment of the guaranteed portion of the loan, the lender will remain bound to all obligations indicated in the Guarantee, Lender's Agreement, the Agency program regulations, and to future program regulations not inconsistent with the provisions of the Lenders Agreement. The lender retains all rights under the security instruments for the protection of the lender and the United States.

(b) The following will occur upon the lender's assignment of the guaranteed portion of the loan:

(1) The holder will succeed to all rights of the Guarantee pertaining to the portion of the loan assigned.

(2) The lender will send the holder the borrower's executed note attached to the Guarantee.

(3) The holder, upon written notice to the lender and the Agency, may assign the unpaid guaranteed portion of the loan. The holder must assign the guaranteed portion back to the original lender if requested for servicing or liquidation of the account.

(4) The Guarantee or Assignment of Guarantee in the holder's possession does not cover:

(i) Interest accruing 90 days after the holder has demanded repurchase by the lender, except as provided in the Assignment of Guarantee and § 762.144(c)(3)(iii).

(ii) Interest accruing 90 days after the lender or the Agency has requested

the holder to surrender evidence of debt repurchase, if the holder has not previously demanded repurchase.

(c) Negotiations concerning premiums, fees, and additional payments for loans are to take place between the holder and the lender. The Agency will participate in such negotiations only as a provider of information.

[70 FR 56107, Sept. 26, 2005]

### PART 764—EMERGENCY FARM LOANS

Sec.

764.1 Purpose.

764.2 Definitions.

764.3 Emergency loan funds uses.

764.4 Eligibility requirements.

764.5 Limitations.

764.6 Interest rate.

764.7 Loan terms.

764.8 Repayment and security requirements.

764.9 Appraisal and valuation requirements.

764.10 Insurance for loan security.

764.11 Charges and fees.

AUTHORITY: 5 U.S.C. 301 and 7 U.S.C. 1989.

SOURCE: 67 FR 795, Jan. 8, 2002, unless otherwise noted.

#### § 764.1 Purpose.

The purpose of the Emergency Loan Program is to provide financial assistance to family farmers who have suffered losses as the result of a disaster so that they can return to normal farming operations as soon as possible after the disaster. Specifically, this part describes the policies and procedures of the Agency for making Emergency loans to operators of such farms.

#### § 764.2 Definitions.

*Act* means the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*).

*Additional security* means property that provides security in excess of the amount of security value equal to the loan amount, excluding security described in § 764.8(g).

*Adequate security* means property that provides a security value at least equal to the loan amount.

*Agency* means the Farm Service Agency, including its employees, any predecessor agency, and any successor agency.